

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

**THIRTY-EIGHTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 12, 2003**

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Burkett, Gannon, Malepeai, Schroeder, Stennett, Sweet, and Williams, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Toby Rood, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Williams was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 11, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Malepeai, Schroeder, Stennett, and Sweet were recorded present at this order of business.

February 12, 2003

The JUDICIARY AND RULES Committee reports that **S 1110**, **S 1111**, **S 1112**, **S 1113**, and **S 1114** have been correctly printed.

DARRINGTON, Chairman

S 1110 and **S 1111** were referred to the Commerce and Human Resources Committee.

S 1112, **S 1113**, and **S 1114** were referred to the State Affairs Committee.

February 11, 2003

The JUDICIARY AND RULES Committee reports that **S 1009** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1009** and ordered it transmitted to the House for the signature of the Speaker.

February 11, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1001** was delivered to the Office of the Governor at 2 p.m., February 11, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 11, 2003

The HEALTH AND WELFARE Committee reports out **HJM 1** and **HCR 8** with the recommendation that they do pass.

BRANDT, Chairman

HJM 1 and **HCR 8** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 11, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 130** with the recommendation that it do pass.

BUNDERSON, Chairman

H 130 was filed for second reading.

February 11, 2003

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Robert Hoff to the Idaho Aeronautics Advisory Board, term to expire January 31, 2008.

INGRAM, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 11, 2003

The TRANSPORTATION Committee reports out **S 1052**, **S 1054**, and **S 1055** with the recommendation that they do pass.

INGRAM, Chairman

S 1052, **S 1054**, and **S 1055** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 11, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1022

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 11, 2003

Mr. President:

I transmit herewith **H 28**, **H 29**, and **H 133** which have passed the House.

JUKER, Chief Clerk

H 28, **H 29**, and **H 133** were filed for first reading.

February 11, 2003

Mr. President:

I transmit herewith Enrolled **H 90** and **H 86** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 90** and **H 86** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Burkett and Gannon were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and the President called Senators Bailey and McKenzie to the Chair to preside over the Senate Lincoln Day Memorial Service.

The annual Lincoln Day Memorial Service was presented to the members of the Senate with Senators Bailey and McKenzie presiding. The *National Anthem* and *Taps* were performed by The Singing Stripes from Mountain Home Air Force Base, Idaho, consisting of Chief Master Sergeant Marty Davis, Senior Master Sergeant Dave Newer, Master Sergeant Ken Skinner, Technical Sergeant Todd Kern, and Staff Sergeant Tony Norris. Patriotic tributes, *America the Beautiful* and *God Bless America*, were sung by Ryan Webster of Rupert, Idaho. Senator Bailey recited the *Gettysburg Address* with background music, *Battle Hymn of the Republic*, provided by Darelyn McCarter.

Following the Lincoln Day Memorial Service, the President called the Senate to order.

The President announced that **HCR 9**, having been held, was before the Senate for final consideration.

Moved by Senator Stegner, seconded by Senator Sorensen, that **HCR 9** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Calabretta. Total - 1.

Total - 35.

Whereupon the President declared **HCR 9** adopted, title was approved, and the resolution ordered returned to the House.

The President announced that **SCR 103** was before the Senate for final consideration.

Moved by Senator Noh, seconded by Senator Stennett, that **SCR 103** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **SCR 103** adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 104** was before the Senate for final consideration.

Moved by Senator Noh, seconded by Senator Malepeai, that **SCR 104** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 32.

NAYS--Brandt, Pearce, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **SCR 104** adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of Jim Kempton was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Noh, seconded by Senator Stennett, the Gubernatorial appointment of Jim Kempton as a member of the Pacific Northwest Electric Power and Conservation Planning Council was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Roger Simmons was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Sorensen, seconded by Senator Stennett, the Gubernatorial appointment of Roger Simmons as Director of the Idaho State Lottery was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial

appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

H 28 and **H 29**, by Mr. Speaker, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 133, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1069, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1071, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1011 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Calabretta, Gannon, Stegner. Total - 3.

Total - 35.

Whereupon the President declared **S 1011** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

H 50 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Calabretta. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 50** passed, title was approved, and the bill ordered returned to the House.

H 85 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President Pro Tempore declared **H 85** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:55 a.m. until the hour of 11:15 a.m., Thursday, February 13, 2003.

ROBERT E. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary